

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Keizo Koya, Lijun Sun, Mitsunori Ono, Weiwen Ying and Hao Li

Continuation Application of

Application No.: 10/244,088

Filed: September 13, 2002

Title: 1-GLYOXYLAMIDE INDOLIZINES FOR TREATING CANCER

Date: 5.20.04

EXPRESS MAIL LABEL NO. EU 052 028 344 25

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

☐ under 37 CFR 1.129(a), or
(First/Second submission after Final Rejection)

☒ under 37 CFR 1.97(b), or
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).

☐ under 37 CFR 1.97(c) together with either:
☐ a Statement under 37 CFR 1.97(e), as checked below, or
☐ a \$180.00 fee under 37 CFR 1.17(p), or
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

☐ under 37 CFR 1.97(d) together with:
☐ a Statement under 37 CFR 1.97(e), as checked below, and
☐ a \$180.00 fee under 37 CFR 1.17(p), or
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)

☐ under 37 CFR 1.97(i):
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
- ☒ Copies of the cited references are enclosed.
- ☐ Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
- ☒ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. 10/244,088, to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
- ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
- ☐ The "concise explanation" requirement (non-English references) for reference(s) [] under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
- ☐ the explanation provided in the Specification.
- ☐ submission of the enclosed International Search Report.
- ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
- ☐ the enclosed English language abstract.

[X] Applicant requests that the following non-published pending applications be considered:

Examiner's
Initials

____ U.S. Patent Application No. 10/319,401, by Mitsunori Ono, Lijun Sun, Zhi-Qiang Xia,
Hao Li, Shoujun Chen, Masazumi Nagai, Rongzhen Lu, filed December 12, 2002, Docket
No.: 3211.1012-000

____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

Examiner

Date

[X] A copy of each above-cited application, including the current claims, is enclosed.

[] A copy of each above-cited application, including the current claims, is enclosed, except
those entered in prior application, U.S. Application No. [], to which priority under
35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which
references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

[] A check for the fee noted above is enclosed, or the fee has been included in the check with the
accompanying Reply. A copy of this Statement is enclosed.

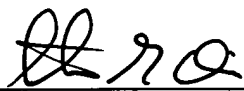
[] Please charge Deposit Account 08-0380 in the amount of \$[]. A copy of this Statement is
enclosed.

[X] Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By



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Concord, MA 01742-9133

Dated:

May 19 2004

PTO-1449 REPRODUCED INFORMATION DISCLOSURE CITATION IN AN APPLICATION May 19, 2004 (Use several sheets if necessary)	ATTORNEY DOCKET NO. 3211.1004-021		CONTINUATION OF APPLICATION NO. 10/244,088	
	FIRST NAMED INVENTOR Keizo Koya		FILING DATE	
	EXAMINER	CONFIRMATION NO.	GROUP	

U.S. PATENT DOCUMENTS				
EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AA	6,214,855 B1	04-10-01	Gemba et al.
	AB	6,461,538	10-08-02	Taguchi
	AC	6,207,675	03-27-01	Carry et al.
	AD	US 2003/0153759 A1	08-14-2003	Koya et al.
	AE	US 2003/0204090	10-30-03	Ono et al.
	AF			
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EXAMINER	DATE CONSIDERED
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PTO-1449 REPRODUCED INFORMATION DISCLOSURE CITATION IN AN APPLICATION May 19, 2004 (Use several sheets if necessary)	ATTORNEY DOCKET NO. 3211.1004-021		CONTINUATION OF APPLICATION NO. 10/244,088	
	FIRST NAMED INVENTOR Keizo Koya		FILING DATE	
	EXAMINER		CONFIRMATION NO.	GROUP

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER Country Code-Number-Kind Code (if known)	DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	TRANSLATION YES NO	
	AL	GB2287706A	09-27-1995	Fujisawa Pharmaceutical Co.		
	AM	WO 99/59999	11-25-1999	Shionogi & Co., LTD		
	AN	WO 00/21563	04-20-2000	Shionogi & Co., LTD		
	AO	EP1085021A1	03-21-2001	Shionogi & Co., LTD		
	AP	EP 1157704A1	11-28-2001	Shionogi & Co., LTD		
	AQ	WO 9603383 A1	02-08-1996	Eli Lilly and Company		
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EXAMINER

DATE CONSIDERED